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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,459	04/09/2001	Sam W. Shih	USP1259A-AMC	8667

7590

04/01/2002

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/829,459

Applicant(s)

SHIH, SAM W.

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 41, 10A, 30A, 60A, 61A, 62A, 622A, 63, 631, 11A. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shader film having longitudinally shading steaks as recited in claim 7 and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna et al., U. S. Patent 2,102,474. McKenna teaches an animated luminous

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display device comprising a housing 10 having a front translucent panel 12, fixed transparency panels 13 and 14, and horizontally disposed endless web members 20, 21, 22, and 23 mounted between the light source 36 and the front panels 12-14. Each web is rotated about driving rollers 31-34 utilizing electric motor 30. In addition, each web has a plurality of images thereon adapted to cooperate with the stationary sheet or the transparency. Since the applicant does not disclose that a transparent front panel solves any stated problem or is for any particular purpose, it appears that a translucent panel would perform equally well.

5. With respect to claim 13, the examiner considers that web 20 to correspond to the shader film and the web 23 to correspond to the auxiliary, wherein the web 20 is positioned in front of the web 23. (See figure 2).

6. With respect to claims 14 and 15, McKenna teaches a "suitable mechanism is provided for effecting the travel of the various bands (webs) which may travel in the same direction, or two in opposite direction..." Although McKenna does not specifically teach the roller gears are recited it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by McKenna with suitable gearing mechanism to rotate the webs.

7. Claims 1-11 are 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna et al., U. S. Patent 2,102,474 in view of Glogau, U. S. Patent 2,092,247. Glogau teaches display device comprising a housing 12, a fixed display panel 15 and a vertically rotating display webs 26. The web is rotateably mounted on rollers 22-25, each having shaft with projections or button adapted to

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penetrate the walls of the housing. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the roller taught by McKenna mounted such that they rotate vertically as taught by Glogau to provide means to create the illusion of vertical movement instead of horizontal movement.

8. With respect to claim 2, the examiner considers that web 20 to correspond to the shader film and the web 23 to correspond to the auxiliary, wherein the web 20 is positioned in front of the web 23. (See figure 2).

9. With respect to claims 3 and 4, McKenna teaches a "suitable mechanism is provided for effecting the travel of the various bands (webs) which may travel in the same direction, or two in opposite direction..." Although McKenna does not specifically teach the roller gears are recited it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by McKenna with suitable gearing mechanism to rotate the webs.

### ***Conclusion***


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U. S. Patents are cited to show display devices with fixed display panel and rotatable display panel mounted behind the fixed panel: Pyper – 1,403,631; Shephard – 1,515,444; and Goodrich – 3,634,959.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Cassandra Davis  
Primary Examiner  
Art Unit 3628

CD  
March 24, 2002